

### REMARKS

Claims 1-16 are pending in the application. Claims 1, 2, 4, 8 and 12 have been amended and claims 15-16 have been added by way of the present amendment. Reconsideration is respectfully requested.

In the outstanding Office Action, claim 8 was objected to due to informalities; the specification was objected to for failing to provide proper antecedent basis for the claimed subject matter; the drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they include reference characters 17 and 18 that do not appear in the specification; the drawings were objected to under 37 CFR 1.83(a) for not showing every feature of the invention; claims 2 and 4 were objected to under 35 USC Section 112, 2<sup>nd</sup> paragraph, due to insufficient antecedent basis; claims 1-3 and 5-10 were rejected on the grounds of nonstatutory obviousness-type double patenting over claims 1, 4-5, 9, 13-15 and 19-20 of US Patent No. 6,961,276 (Atallah et al.); claims 1-14 were rejected under 35 USC 102(e) as being anticipated by US Patent Publication 2005/0063211 ('211 Application); and claim 11 was indicated as allowable if rewritten to overcome the rejections under 35 USC 112, 2<sup>nd</sup> paragraph, and to include all of the limitations of the base claim and any intervening claims.

#### *Allowable Subject Matter*

First, Applicants wish to thank the Examiner for the early indication of allowable subject matter. To that end, new claims 15 and 16 have been added. New claim 15 incorporates the limitations of original claim 11 with base claim 8 and intervening claim 9. New claim 16 is contains the limitations of original claim 10 but is dependent on new claim 15. Thus, claims 15 and 16 find support in the original specification and claims and the new claims raises no questions of new matter. Therefore, it is respectfully submitted that claims 15 and 16 are in condition for allowance.

### *Claim Objections*

Claim 8 was objected to due to informalities. In response to the objection, claim 8 has been amended to clarify the invention by inserting "a missing preposition" as suggested by the Examiner. Withdrawal of the objection to claim 8 is respectfully requested.

### *Specification Objections*

The specification was objected to for failing to provide proper antecedent basis for the claimed subject matter. The objection is respectfully traversed.

The specification has been amended to clarify the invention. In particular, the specification was amended to identify reference 19 as an "effective address register." Support for the amendments is provided at least in original paragraph [0018] which recites: "cache 21 is accessed from a *register* containing the effective address." Applicants respectfully submit that this register is thus named as the "effective address register." The language of claim 1 has been amended to recite an "effective address register," which is provided proper antecedent basis by the above amendments to the specification.

In addition, the specification was objected to due to the language of claim 3, which refers to a "tag array," was not found in the specification. Claim 2 has been amended, as will be discussed below, to include subject matter disclosed in the specification. Therefore, it is respectfully submitted that the amendments raise no questions of new matter and that the specification provides antecedent basis for the claims.

### *Drawing Objections*

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they include reference characters 17 and 18 that do not appear in the specification. This objection is respectfully traversed.

As discussed above, the specification has been amended to clarify the invention. In particular, the specification was amended to include reference characters 17 and 18. Therefore, it is respectfully submitted that the drawings now comply with 37 CFR 1.84(p)(5) and that the outstanding drawing rejection should be withdrawn.

The drawings were objected to under 37 CFR 1.83(a) for not showing every feature of the invention. This objection is respectfully traversed.

The specification has been amended to clarify the invention. In particular, the specification has been amended to recite an "effective address register 19." In addition, the claims have been amended to recite an "effective address register." Thus, the drawings, in the form of reference 19, show every feature of the invention specified in the claims and comply with 37 CFR 1.83(a). Therefore, it is respectfully submitted that the outstanding drawing rejections are moot and should be withdrawn.

### *35 USC Section 112 Rejections*

Claims 2 and 4 were objected to under 35 USC Section 112, 2<sup>nd</sup> paragraph, due to insufficient antecedent basis. Claims 2 and 4 have been amended to provide sufficient antecedent basis and to further clarify the invention. Support for the amendment is at least provided by the original claims of the application. Therefore, it is respectfully submitted that the amendments raise no questions of new matter and that the outstanding rejections should be withdrawn.

### *Double Patenting Rejections*

Claims 1-3 and 5-10 were rejected on the grounds of nonstatutory obviousness-type double patenting over claims 1, 4-5, 9, 13-15 and 19-20 of Atallah et al.

A properly executed Terminal Disclaimer is provided as an attachment following this Response to disclaim any patent term of this application that might extend that of US Patent No. 6,961,276 (Atallah et al.). Therefore, it is respectfully requested that the nonstatutory

obviousness-type double patenting rejection of claims 1-3 and 5-10 over claims 1, 4-5, 9, 13-15 and 19-20 of commonly owned US Patent No. 6,961,276 is requested.

### *35 USC Section 102 Rejections*

Claims 1-14 were rejected under 35 USC 102(e) as being anticipated by US Patent Publication 2005/0063211 ('211 Application). Applicant respectfully traverses the rejection.

Claims 1, 2, 4, 8 and 12 have been amended to clarify the invention. In particular, claim 1 has been amended to recite:

*an effective address register connected to simultaneously apply an address to each of said two way associative cache;*

*an output multiplexer for selecting data from one of said first and second ways of said two way associative cache in response to a select signal identifying one of said ways of said associative cache; and*

*a byte select circuit configured to select an individual byte of the data selected by the output multiplexer in accordance with byte data contained in the effective address register (emphasis added).*

In similar language, claim 12 has been amended to recite:

*selecting an individual byte of data selected by an output multiplexer in accordance with byte data contained in an effective address register.*

Support for the amendments is provided at least in paragraphs [0018] to paragraph [0021]; and is at least shown in FIG. 1; at references 19 and 30, of the application. Therefore, it is respectfully submitted that the amendments raise no questions of new matter.

The '211 Application' discloses a random access memory circuit comprising a plurality of memory cells and at least one decoder coupled to the memory cells, the decoder being configurable for receiving an input address and for accessing one or more of the memory.<sup>1</sup> In particular, the '211 Application' discloses a cache data RAM 150 in the exemplary cache memory circuit 140 comprises one or more late-select RAM. Further, the '211 Application' discloses that each of the late-select RAM preferably includes an address decode circuit 100, a memory array

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<sup>1</sup> '211 Application' at ABSTRACT.

114 including a plurality of memory cells (not shown) and a plurality of bit lines 102 for accessing one or more of the memory cells, and a late-select interface circuit 240.<sup>2</sup>

In addition, the '211 Application discloses enable circuitry 116 receives as input the way-select signals from comparators 120a through 120d and a sense amplifier enable (SAE) signal, and generates output signals for operatively enabling one or more of sense amplifiers 104a through 104d and for selecting which one of the sense amplifiers to propagate through the LS Mux 112 to an output OUT of the cache data RAM 150.<sup>3</sup>

However, the '211 Application nowhere discloses, as recited in amended claim 1 and claim 8:

*a byte select circuit configured to select an individual byte of the data selected by the output multiplexer in accordance with byte data contained in the effective address register (emphasis added).*

In addition, the '211 Application nowhere discloses, as recited in amended claim 12:

*selecting an individual byte of data selected by an output multiplexer in accordance with byte data contained in an effective address register (emphasis added).*

That is, the '211 Application does not disclose "a byte select circuit" nor "byte data" as recited in amended claims 1, 8 and 12 of the application. Therefore, it is respectfully submitted that the '211 Application does not disclose, anticipate or inherently teach the claimed invention and that claims 1, 8 and 12, and claims dependent thereon, patentably distinguish thereover.

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<sup>2</sup> *Id.* at paragraph [0025].

<sup>3</sup> *Id.* at paragraph [0026].

**Conclusion**

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 50-0563, under Order No. 20421-00071-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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